

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

JOSEPH MAIELLO,)	
)	
Plaintiff,)	
)	
v.)	No. 5:24-cv-00054-GCM
)	
MARTIN O'MALLEY,)	
Commissioner of Social Security,)	
)	
Defendant.)	
_____)	

ORDER

THIS MATTER is before the Court by motion of the Plaintiff, Joseph Maiello, for an award of attorney's fees, expenses, and costs to Plaintiff, pursuant to the Equal Access to Justice Act (EAJA). Defendant has consented to the motion for the stipulated amount.

IT IS THEREFORE ORDERED that Plaintiff, Joseph Maiello, is awarded attorney's fees in the amount of Five Thousand Eight Hundred Dollars and Zero Cents (\$5,800.00). Full or partial remittance of the EAJA award will be contingent upon a determination by the Government that Plaintiff owes no qualifying, pre-existing debt(s) to the Government.

If Plaintiff has no outstanding federal debt, the Commissioner may honor any EAJA assignment that Plaintiff may provide and make the check(s) payable to Plaintiff's counsel. However, if Plaintiff has an outstanding federal debt, the Commissioner will make the check(s) payable to Plaintiff directly and deliver the check(s) to the business address of Plaintiff's counsel. The amount of EAJA award payable to Plaintiff will be the balance of EAJA award remaining after subtracting the amount of Plaintiff's outstanding federal debt. This award will be paid directly to Plaintiff, Joseph Maiello, and sent to the business address of Plaintiff's counsel. If Plaintiff's outstanding federal debt exceeds the amount of the EAJA award approved pursuant to the Order,

the amount of the EAJA award will be used to offset Plaintiff's federal debt and no EAJA award shall be paid.

Signed: September 9, 2024

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

